

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HARNINDER K. SAINI / LOVELY DAY CARE, SP 2014-MA-142 Appl. under Sect(s). 8-305 and 3-403 of the Zoning Ordinance to permit a home child care facility. Located at 3136 Annandale Rd., Falls Church, 22042, on approx. 19,059 sq. ft. of land zoned R-4. Mason District. Tax Map 50-4 ((1)) 4B. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 4, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The zoning is R-4.
3. The lot area 19,059 sq. ft.
4. The applicant has indicated that she has read, understands, and concurs with the development conditions.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Harninder Saini, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3136 Annandale Rd., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 2, Pine Wood Manor," prepared by Charles J. Huntley, Jr., L.S., on May 7, 1998, as revised by Harninder Saini through July 8, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. The hours of operation of the home child care facility shall be limited to 5:30 a.m. to 11:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve. The home child care shall be limited to three children after 6:00 p.m. and the children shall be required to stay inside after dark.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m.
8. There shall be no signage associated with the home child care facility.
9. All drop-off and pick-up activities shall occur in the driveway.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping areas shall be located in rooms with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
12. All parents conducting drop-off and pick-up activities shall pull forward onto Annandale Road rather than backing out into the roadway.
13. The applicant shall utilize the two-car garage for parking of family vehicles during the hours of operation.
14. No vehicles associated with the home child care use shall be parked within 10 feet of the applicant's driveway along Annandale Road during hours of operation.
15. Parents shall receive written notice from and provide written agreement to the applicant with respect to parking, drop-off, and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements with the parents and make them available at the request of Fairfax County.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Ribble was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padruft".

Mary D. Padruft, Deputy Clerk
Board of Zoning Appeals